

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTWINE GOMEZ,

Petitioner,

v.

WARDEN NEIL TURNER,

Respondent.

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CASE NO. 3:20-cv-02247

ORDER

[Resolving Doc. 1, 11]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner Antwine Gomez currently serves an aggregate prison term forty years to life for rape charges. He brings this habeas corpus action under 28 U.S.C. § 2254.¹

On December 29, 2023, Magistrate Judge Knapp filed a Report and Recommendation (R&R) recommending that the Court deny Gomez's habeas petition in its entirety.² Specifically, Magistrate Judge Knapp found that Gomez's three grounds for relief were procedurally defaulted.³ Petitioner did not file an objection to the R&R.⁴

The Federal Magistrates Act requires district courts to conduct a de novo review only of objected-to portions of an R&R.⁵ Absent objection, district courts may adopt an R&R without review.⁶

So, the Court **ADOPTS** the R&R, **DENIES** Gomez's habeas petition in its entirety, and **DENIES** any associated certificate of appealability.

¹ Doc. 1.

² Doc. 11, PageID #: 1602.

³ *Id.*

⁴ The Court granted Petitioner Gomez's request for an extension to reply to the R&R. *See* Dkt., Jan. 22, 2024. Gomez did not file an objection within this time.

⁵ 28 U.S.C. § 636(b)(1).

⁶ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Case No. 20-cv-02247
GWIN, J.

IT IS SO ORDERED.

Dated: March 7, 2024

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE